

**CITY OF CLEWISTON
Regular Commission Meeting
May 6, 2013**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, May 6, 2013. The meeting was called to order at 4:00 p.m. by Mayor Phillip Roland. Commissioner Pittman gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Richard Miller, Commissioner James Pittman, and Commissioner Julio Rodriguez.

Personnel Present: City Manager Al Perry, Finance Director Ted Byrd, Police Chief Don Gutshall, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, Recreation Director Lance Ramer, Community Development Director Travis Reese, City Attorney Charles Schoech, and Utilities Office Manager Rhonda Davis.

Visitors Present: Jerry Cochran, Denise Hatton, Christine Howell, Curtiss Pullen, and Gloria Rosen.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA – City Manager Perry asked that the Commission approve adding a discussion on the Workers Compensation exempt status of Diaz Asphalt as 4-A and a discussion on East County Recreation as 4-B. The Commission agreed to the additions.

1. Consent Agenda

A. *City Commission Minutes – April 15, 2013*

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda. Vote 5 years, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 2. Fee Charge for Use of Library Facilities** – For information, the Library Advisory Board has recommended that the Library change one of its late nights from Wednesday to Tuesday each week in order to accommodate more patrons. The Advisory Board also recommends that the Library implement a \$40.00 per hour charge for for-profit organizations desiring to use the Library facilities for private meetings and the fees be used to purchase books and other materials for the Library. Commissioner Gardner posed the question if \$40.00 was enough to cover the cost to the City for use of the Library. Library Director Barrett stated that the Board thought \$40.00 was sufficient, however she felt the fee should be \$50.00 per hour. Ms. Barrett stated the main private users of the library were attorneys using the facility for depositions. The Commission asked Ms. Barrett to have the Advisory Board revisit the issue of charging fees to private tutors to ascertain whether or not they should be charged.

Commissioner Gardner made a motion, seconded by Commissioner Miller, to approve implementing a \$50.00 per hour fee to for-profit organizations using the Library facilities for private meetings; and the fees should be used to purchase books and other materials for the Library. Vote 5 years, 0 nays.

Consensus of the Commission was to approve changing one of the Library's late nights from Wednesday to Tuesday.

- 3. City Engineer Discussion** – At the December 17, 2012 meeting, the Commission instructed staff to go out for proposals for a City Engineer. Staff has been working on the RFQ several months, with the help of City Attorney Schoech, and have the request prepared per Florida Statutes. With the hiring of a City Manager, it was felt a discussion might be in order. Commissioner Rodriguez stated he is in favor of putting the City Engineer RFQ out. City Attorney Schoech explained the procedure that would be used to procure a new City engineer. Commissioner Gardner stated that Johnson Prewitt & Associates (JPA) have the best qualifications relating to City knowledge, working relationship, etc. and she does not believe the

City will find another firm that has the qualifications that JPA brings to the City. Commissioner Gardner feels that JPA should have the responsibility of day to day tasks, but for bigger projects, the City could go out for bids, and JPA would act as the project manager. Mayor Roland stated that since he has been in office, he has nothing but good to say about JPA. He stated they have worked well with staff and as far as qualifications to work for the City, they are second to none. Mayor Roland feels it would be a waste of time and money to put the RFQ out. Commissioner Pittman stated that JPA is accessible to the City staff and Commissioners and does not feel the City should go through the expense and time of going through an RFQ. Commissioner Miller stated the City Engineer is hired to look after the best interest of the City and he feels that JPA does that and does not always charge for advice given to the Commission. He stated that he agreed with Commissioner Gardner that JPA would act as the project manager on large projects, not necessarily do the work themselves. Commissioner Rodriguez stated he will not support retaining JPA, but he won't contest it either.

Christine Howell stated that when the Commission was considering a City Manager, they wanted to have someone local, and by the same token, should feel the same way about our City Engineer. Her feeling was that if JPA was made aware of a problem, they would correct anything that the Commission felt was wrong.

Agenda Item No. 3 died for lack of action by the Commission.

4. **Pension Plan Provider Selection Discussion** – The City employees' pension plan was frozen October 1, 2012. Since that time, 6% of employee's salaries has been put aside for the contribution, but no plan is in place. The Florida League of Cities, Principal Financial and Securian provided an overview of their services on April 1, 2013. City Manager Perry stated that he has talked to each Commissioner and is ready to move forward if they desire. Mr. Perry also stated he has some volunteers identified if the Commission decides to form a committee to review the providers. Commissioner Pittman stated that he is ready to make a decision. He stated he has learned a lot over the last year and he has a front runner. Commissioner Gardner stated she too has a front runner in mind, but she would welcome a committee that has knowledge to review the top three and vote at the next meeting. Mayor Roland stated we have waited 6 -1/2 months and doesn't feel two more weeks will make a big difference. Mayor Roland stated that he does not feel Principal should be considered. Commissioner Miller stated that he doesn't feel a committee recommendation will change his mind, and he doesn't feel that Principal should have been in the top three. Commissioner Miller stated that Florida League of Cities is very basic and he has talked to employees and they trust Gloria Rosen. Commissioner Rodriguez stated that he is disappointed that we paid a pension attorney a lot of money and she didn't convince the Commission who the best provider is. Commissioner Rodriguez does not think Principal should be considered. He stated Florida League of Cities is very safe, but they don't have the resources that Securian has and he feels that the employees like and trust Gloria Rosen.

Gloria Rosen stated if Securian is awarded the plan, she will be here every month, as she already comes for the City's insurance needs. Ms. Rosen stated that Securian has over 100 investment choices, and Securian will come back with choices that will fit the defined benefit plan and 20 or 30 options for the defined contribution plan. She stated that Securian also participates in revenue sharing. The Commission asked that the committee review Florida League of Cities and Securian. City Attorney Schoech advised the Commission that the committee will be subject to the Sunshine Law. The Commission asked City Manager Perry who would be on the committee. City Manager Perry stated USSC CFO, Gerard Bernard, Jerry Cochrane, and county employee, Jennifer Davis are the people he has spoken to.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to table this item to the May 20 Commission meeting. Vote 5 yeas, 0 nays.

Jerry Cochrane asked if the committee was only authorized to look at the companies on the short list because in his opinion, those are not the two best companies. He feels one of the providers does not offer many options, and the other charges excessive fees. Commissioner Gardner stated at this point, she is not going against the attorney's recommendation. The committee will review Florida League of Cities and Securian.

Commissioner Pittman made a motion, seconded by Commissioner Gardner to authorize the City Manager to form a pension committee. Vote 5 yeas, 0 nays.

4-A. Diaz Asphalt Worker's Compensation Discussion - City Manager Perry stated that this local contractor is exempt from workers compensation by the State, but the Commission had set forth a requirement that contractors must have workers compensation insurance. Mr. Perry stated that he called the County Engineer and asked what the county required and he got responses from 6 counties, with only one requiring workers compensation insurance for exempt contractors. City Attorney Schoech stated that the majority of cities do not require workers compensation insurance, but a lot do have the requirement. City Attorney Schoech stated it is the Commission's discretion whether to require the workers compensation insurance or not, but if the workers compensation insurance is not required, the City should require a hold harmless and indemnification.

Consensus of the Commission was not to require workers compensation insurance for exempt employers, but require a hold harmless and indemnification be signed.

4-B. East Hendry County Recreation Discussion – City Manager Perry stated that it is too late to form an MSBU this year, but we can shoot for January 2014. Mayor Roland stated that he would like to see two commissioners appointed to the East Hendry County Recreation Board today and he would volunteer to be on the Board. He stated the county appointed Commissioners Karson Turner and Janet Taylor to the Board at their last meeting. Mayor Roland asked the Commission if they wanted the City to be in an MSBU. Commissioner Gardner stated she has seen what West County Recreation has accomplished over the last few years and we have to reduce the tax burden to City residents for recreation. Commissioner Pittman stated he is not excited about an MSBU in the City. He stated if you put in an MSBU, you have to drop the millage the same year, and he has questions as to who controls our facilities and property. Commissioner Miller stated he has also has concerns about giving up control of the City's facilities.

Commissioner Gardner made a motion, seconded by Commissioner Miller, to appoint Mayor Roland and Commissioner Rodriguez to the East Hendry County Recreation Board. Vote 5 yeas, 0 nays.

PUBLIC COMMENTS - none

REPORT FROM FINANCE DIRECTOR - none

REPORT FROM CITY MANAGER – City Manager Perry stated that the State has informed the County that \$3M has been appropriated to the force main to tie AirGlades into the City's sewer plant. Mr. Perry will put together a list of names to ask to send the governor a letter asking him not to veto this appropriation. Mr. Perry stated that he coaches a travel softball team and there is a tournament in Wellington this weekend and he was told that the tournament has a \$2.2M economic impact on the area. He has invited the tournament director to come out to Clewiston and look at our facilities for possible future tournaments.

REPORTS FROM THE CITY ATTORNEY - none

REPORTS FROM THE CITY COMMISSION - none

ADJOURNMENT

The meeting was adjourned at 5:40 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk